
Public Utilities Commission of the State of California

Public Agenda 3133

Thursday, May 6, 2004 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, May 24, 2004 (San Francisco)	Thursday, May 06, 2004 (San Francisco)
Monday, June 07, 2004 (San Francisco)	Thursday, May 27, 2004 (San Francisco)
Friday, July 02, 2004 (San Francisco)	Wednesday, June 09, 2004 (San Francisco)
	Thursday, July 08, 2004 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 50

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1

A02-05-022 - Pacific Gas and Electric Company (PG&E).

[3342]

This decision exempts PG&E from filing a test year 2005 cost of capital application, but gives a deadline of no later than June 15, 2004 for PG&E to file its post-bankruptcy cost of capital application. This proceeding is closed.

(Comr Brown, Comr Peevey - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3132, Item 9 4/22/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171727

2

Res ALJ 176-3133

[3393]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Consent Agenda - Orders and Resolutions (continued)

- 3**
[3359] **A03-08-016 - WorldCom, Inc.**
For exemption from the requirements of Sections 851 and 854 of the Public Utilities Code with respect to its bankruptcy reorganizations. This decision denies the request of Greenlining Institute and the Latino Issues Forum (Greenlining) for an award of \$56,278.72 in intervenor compensation in connection with D03-11-015 on the ground that Greenlining did not timely file its notice of intent to seek intervenor compensation and did not make a substantial contribution to the Commission's decision. This proceeding is closed.
(Comr Peevey - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3132, Item 10 4/22/2004 (Lynch)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171775
- 4**
[3390] **A03-11-011 - In Touch Communications, Inc. (In Touch) and Inflexion California Communications Corp. (Inflexion).**
A03-11-013 - Related matters. This decision denies Inflexion's applications, (1) for approval of the acquisition of the assets of In Touch, pursuant to Pub. Util. Code § 851, and (2) for a certificate of public convenience and necessity to provide resold and limited facilities based competitive local exchange service and resold and facilities-based interexchange service. These proceedings are closed.
(Comr Kennedy - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169560
- 5**
[3412] **Res T-16830**
This resolution revises and consolidates reporting requirements for all telecommunications carriers eligible for federal universal high-cost support effective September 15, 2004.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171723
- 6**
[3415] **Res T-16824 - WWC License LLC. (Western Wireless).**
This resolution grants eligible telecommunications carrier status to Western Wireless in Imperial County as of the date of this resolution pursuant to the Federal Communications Commission's Report and Order (FCC 97-157).
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171762

Consent Agenda - Orders and Resolutions (continued)**7**
[3420] **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision denies the Petition to Modify D03-11-022, as filed by the "Joint Wireless Carriers" to shorten the schedule for implementing the 909 area code split. The existing implementation schedule shall remain in effect.

(Comr Lynch - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171919

8
[3426] **A98-11-012 - Lodi Gas Storage, L.L.C. (LGS).**

This decision grants LGS's petition for modification of D00-05-048 insofar as it changes the amount of the surety bond condition of its certificate of public convenience and necessity from \$20 million to \$10 million, as adjusted for inflation as of May 18, 2000, the date of issuance of D00-05-048. However, the decision denies LGS' request to eliminate the surety bond condition in its entirety. This proceeding is closed.

(Comr Brown - ALJ Econome)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

9
[3433] **C03-05-023 - Raw Bandwidth Communications, Inc. vs. SBC California, Inc. and SBC Advanced Solutions, Inc.**

This decision finds SBC California, Inc. and SBC Advanced Solutions, Inc. do not unreasonably discriminate or otherwise violate applicable law by connecting SBC Information Services (SBCIS) customers who dial 611 for Digital Subscriber Line repair services to SBCIS but telling customers of an unaffiliated Internet Service Provider (ISP) to hang up and call their ISP. This proceeding is closed.

(Comr Brown - ALJ Grau)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172144

10
[3453] **(ECP) C02-10-043 - John A. Davis (Complainant) vs. AT&T Communications of California, Inc. (AT&T).**

Complainant alleges that AT&T failed to give him notice that: (1) it changed the time for minimum billing increments from 30 to 60 seconds on November 15, 2001; and, (2) implemented a minimum usage fee effective January 1, 2002. AT&T denies the allegation. The record shows that Complainant was not provided with reasonable notice and this decision finds for Complainant. The amount of \$40.55 held by the Commission shall be returned to Complainant and this proceeding is closed.

(Comr Brown - ALJ Patrick)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168309

Consent Agenda - Orders and Resolutions (continued)

- 11**
[3455] **Res T-16834**
This resolution revokes, at the request of the companies, certificates of public convenience and necessity of the following 16 telecommunications carriers: RSL COM USA, Inc. (CPCN# (#) 5376); T-NETIX, Inc. (#5484); I-Link Communications, Inc. (#5724); Wholesale Telecom, Inc. (#6056); Big Planet (#6061); Samsung Data Systems America, Inc. (#6070); Glyphics Communications, Inc. (#6137); Ideas for Business (#6201); Adelphia Business Solutions Operations (#6248); Touch America, Inc. (#6370); Starfone Corp. (#6459); Maxtel USA, Inc. (#6507); El Paso Networks, LLC (#6519); Lightwave Communications, Inc. (#6553); Verizon Advanced Data, Inc. (#6565); and El Paso Global Networks Company (#6662).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171721
- 12**
[3461] **A03-12-041 - Think 12 Corporation, dba Hello Depot (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed. (Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169362
- 13**
[3464] **Res W-4468 - Great Oaks Water Company (GOWC).**
This resolution authorizes GOWC a temporary surcharge to recover undercollections in its purchased power and pump tax balancing-type memorandum accounts, producing an annual increase in revenue of \$935,337 or 9.06%. (Advice Letter 161-W, filed March 16, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170710
- 14**
[3465] **Res W-4469 - California Water Service Company (CWSC) Livermore District.**
This resolution authorizes CWSC, Livermore District an offset rate increase producing additional annual revenues of \$176,700 or 1.7% for increases in the cost of purchased water. (Advice Letter 1615, filed February 4, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=167788
- 15**
[3468] **Res W-4470 - Del Oro Water Company (DOWC), Lime Saddle District.**
This resolution authorizes DOWC, Lime Saddle District a surcharge of \$2.17 per month per customer for five years producing an annual increase in revenue of \$11,889 for a total of \$59,445 to recover legal expenses. (Advice Letter (AL) 126, filed December 24, 2003, and Supplemental AL 126-A, filed April 8, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171128

Consent Agenda - Orders and Resolutions (continued)

- 16** **Res W-4471 - Stirling Bluffs Corporation (Stirling).**
[3469] This resolution authorizes Stirling a general rate increase in rates producing \$1,425 or 1.3% in additional annual revenue.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171180
- 17** **A04-01-013 - Kahasy T. Haymanot, dba Take Me Home Express (Applicant).**
[3470] This decision authorizes Applicant to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, San Mateo, and Marin Counties, on the one hand; and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171202
- 18** **A02-03-047 - Southern California Gas Company and San Diego Gas and Electric Company.**
[3472] For authority to continue funding of LEV Programs. A02-03-048, A02-03-049 - Related matters. This decision grants \$61,787.88 to the Environmental Coalition as intervenor compensation for its contributions to D03-10-086 regarding utility low-emission vehicle programs.
(Comr Wood - ALJ Thomas)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171719
- 19** **Res T-16828 - Volcano Telephone Company (Volcano).**
[3476] This resolution authorizes Volcano to establish a New Promotional Campaigns schedule. (Advice Letter (AL) 305, filed December 12, 2003 and AL 305A, filed January 23, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171284
- 20** **Res T-16838 - SBC California (SBC).**
[3477] This resolution approves an Interconnection Agreement between SBC and Choice Telecom, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 24653, filed February 24, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171283

Consent Agenda - Orders and Resolutions (continued)

- 21**
[3478] **Res T-16836 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Cat Communications International, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 24619, filed February 13, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171285
- 22**
[3479] **Res T-16835 - Citizens Telecommunications Company of California, Inc. (CTC-California).**
This resolution approves an Interconnection Agreement between CTC-California and Sprint Communications Company, L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 827, filed February 13, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171282
- 23**
[3480] **Res T-16839 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Telecom Consultants, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10772, filed February 20, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171281
- 24**
[3481] **A04-03-004 - Charter Fiberlink CA-CCO, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange telecommunications services within California. This proceeding is closed.
(Comr Kennedy - ALJ Galvin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171800
- 25**
[3483] **Res T-16837 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Think 12 Corporation, dba Hello Depot, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 24631, filed February 20, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171316
- 26**
[3486] **Res W-4472 - Peerless Water Company (PWC).**
This resolution authorizes PWC a general rate increase producing additional annual revenue of \$72,867 or 8.5% in 2003.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171303

Consent Agenda - Orders and Resolutions (continued)

- 27**
[3489] **A04-02-017 - Pacific Gas and Electric Company (PG&E).**
This decision addresses the fire insurance issue regarding the Gerber Compressor Station. Since no further insurance proceeds are available, this issue and this application are closed.
(Comr Lynch - ALJ Wong)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170965
- 28**
[3492] **A04-03-006 - Charter Fiberlink CA-CCVII, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange telecommunications services within California. This proceeding is closed.
(Comr Kennedy - ALJ Galvin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170938
- 29**
[3494] **Res W-4473 - Weimar Water Company (WWC).**
This resolution authorizes WWC a general rate increase producing additional annual revenues of \$143,541 or 63.0% in 2004.
- 30**
[3495] **A03-12-018 - Fred Fahlen and Gerry LaBudde.**
This decision authorizes Fred Fahlen to (1) withdraw from providing water utility service to Weimar Water Company customers, and (2) to sell and transfer Weimar Water Company to Gerry LaBudde.
This proceeding is closed.
(Exam Jackson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 31**
[3498] **(ECP) C03-09-017 - Maclyn Erickson vs. Southern California Edison Company (SCE).**
Maclyn Erickson alleges that SCE overcharged her because her electric bills returned to normal after her meter was replaced. This decision requires SCE to refund \$1,400 in disputed billing charges. The complaint is granted and this proceeding is closed.
(Comr Brown - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172079

Consent Agenda - Orders and Resolutions (continued)

32 (ECP) C04-01-015 - Desserts on Us, Inc. (Complainant) vs. Pacific Gas and Electric Company (PG&E).
[3499]

Complainant requests that PG&E deduct \$1,500 from its deficiency billing pursuant to its Line Extension Contract, and pay \$2,000 in damages. This decision delays the deficiency billing calculation by one year and denies Complainant's request for the \$1,500 deduction and damages of \$2,000. This proceeding is closed.

(Comr Brown - ALJ Patrick)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171874

33 A03-12-032 - Volo Communications of California, Inc. (Applicant).
[3509]

This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.

(Comr Kennedy - ALJ O'Donnell)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170436

Regular Agenda

Regular Agenda - Energy Orders

34

[2910]

A03-05-012 - Pacific Gas and Electric Company (PG&E).

PG&E seeks Commission approval pursuant to Pub. Util. Code §851 of certain licenses and leases of PG&E property already in effect (the “agreements” or “transactions”). In total PG&E seeks approval of 256 transactions. Most of these agreements were entered into several years ago. Each permits various uses of PG&E property by third parties. The transactions did not have prior approval of the Commission pursuant to Pub. Util. Code §851. PG&E states that it discovered many of these agreements in various branch office files while conducting an extensive search in the PG&E bankruptcy proceeding. Because the 256 transactions may implicate environmental review or may not meet the criteria for General Order (GO) 69-C transactions, PG&E states that it decided it would be prudent to seek formal approval of the transactions under Section 851. In addition, PG&E asserts that Commission environmental review under the California Environmental Quality Act (CEQA) is unnecessary because the majority of the transactions fit within CEQA exemptions, nine received adequate local CEQA review, and six pre-date CEQA and are thus not subject to its requirements. This decision grants Section 851 approval for 255 of the transactions on a prospective basis. The Commission notes one of the transactions fits within recent Commission decisions finding agreements allowing floating boat docks as appropriate under GO 69-C. Therefore, Commission's approval here is not required. The decision declines to impose a penalty for failure to obtain prior approval of the transactions. With respect to CEQA, the Commission notes that because all of the agreements are several years old, any activity which may have warranted Commission's environmental review has long since occurred. Accordingly, Commission's CEQA review at this time has little value for practical purposes. Nevertheless, the Commission will address the CEQA issues raised by PG&E and determine where possible, the applicability of the claimed exemptions. This proceeding is closed. (Comr Kennedy - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3124, Item 42 12/4/2003 (Kennedy);

Agenda 3127, Item 18 1/22/2004 (Wood);

Agenda 3128, Item 30 2/11/2004 (Wood);

Agenda 3130, Item 36 3/16/2004 (Lynch);

Agenda 3131, Item 24 4/1/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170052

Regular Agenda - Energy Orders (continued)

34a

[3306]

ALTERNATE TO ITEM 2910

This alternate differs from the Proposed Decision in the manner in which CEQA concerns are resolved and in its retroactive treatment of the leases. The Proposed Decision approved the leases on a going-forward basis, while declaring them to be void for periods prior to the approval. In response to comments, the ALJ reversed that position, proposing that the Commission grant a retroactive exemption for the leases, pursuant to Section 853. The alternate adheres to the ALJ's original position on this issue.

(Comr Wood)

Agenda 3130, Item 36a 3/16/2004 (Lynch);

Agenda 3131, Item 24a 4/1/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168529

35 (Rev.)

[2936]

R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code §761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

This decision involves Commission implementation and enforcement of Logbook Standards for thermal powerplants adopted by the California Electricity Generation Facilities Standards Committee pursuant to Pub. Util. Code §761.3. Within 30 days of the date this order is mailed (or 30 days of initial operation of a new facility), an authorized representative of each covered electricity generation facility shall file a verified statement with the Director of Consumer Protection and Safety Division regarding compliance with these orders. Covered facilities are 50 megawatts and larger, subject to several exceptions. Within 12 months, respondents shall file and serve an application that addresses implementation and enforcement of a common logbook format. The Executive Director shall file a notice of exemption regarding the California Environmental Quality Act.

(Comr Wood - ALJ Mattson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3124, Item 12 12/4/2003 (Peevey);

Agenda 3127, Item 19 1/22/2004 (Peevey);

Agenda 3131, Item 25 4/1/2004 (Kennedy)

05/04/2004 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171434

Regular Agenda - Energy Orders (continued)

35a ALTERNATE TO ITEM 2936

[3484]

Like the Draft Decision, this alternate also proposes implementation and enforcement of the Logbook Standards for Thermal Powerplants adopted by the California Electricity Generation Facilities Standards Committee, although the analysis of jurisdictional issues in the alternate differs from that in the Draft Decision. The alternate also states that the Commission shall forward the standards adopted in this Decision, and in all related current and future Commission decisions that implement generator maintenance and operation standards, to the ISO with a request that the ISO submit these adopted standards to FERC for approval as amendments to the ISO's tariff.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171378

36 A02-05-004 - Southern California Edison Company (SCE).

[3268]

I02-06-002 - Related matters. SCE's test year revenue requirement is established, a late payment charge and adjustments to other service charges are approved, a post-test year ratemaking mechanism is approved, 1997-98 capital additions are approved, and proposals for performance incentives are denied.

(Comr Wood - ALJ Wetzell)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

This matter may be considered during the Ratesetting Deliberative Meeting.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3130, Item 41 3/16/2004 (Wood);

Agenda 3131, Item 29 4/1/2004 (Kennedy);

Agenda 3132, Item 37 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171396

Regular Agenda - Energy Orders (continued)

36a**ALTERNATE TO ITEM 3268**

[3269]

This alternate differs from the Proposed Decision in 3 ways, none of which affect the revenue requirement:

1. It modifies Section 5.5 Service Guarantees to adopt ORA's proposed 8-part service standard.
2. It modifies Section 6.2.7 Employee Compensation Issues to point out weaknesses in the current Total Compensation Study methodology, order SCE to develop a new study for the next GRC, and adopt Greenlining's proposal to require SCE to annually report to the Commission on total compensation to its ten most highly-compensated employees.
3. It modifies Section 13.2 The Case for Performance Incentives. CCUE had proposed benchmarks and incentives. SCE and CCUE then reached a settlement adopting modified benchmarks and incentives. The PD rejects both, stating that incentives are inconsistent with Cost of Service ratemaking. The alternate adopts CCUE's proposal.

There are changed Findings, Conclusions and Ordering Paragraphs to match these text changes. In all other respects, the drafts are the same.

(Comr Wood)

Agenda 3130, Item 41a 3/16/2004 (Wood);

Agenda 3131, Item 29a 4/1/2004 (Kennedy);

Agenda 3132, Item 37a 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=166832

Regular Agenda - Energy Orders (continued)

36b (Rev.)

[3516]

ALTERNATE TO ITEM 3268

I02-06-002 - Related matters. This Alternate Decision of Commissioner Kennedy makes changes to the Proposed Decision of ALJ Wetzell and does not incorporate any modifications from Commissioner Wood's Alternate Decision. Additionally, the changes made to ALJ Wetzell's PD represent an increase in SCE's current rate base of \$129 million. Specifically, this Alternate Decision would change the Proposed Decision by:

Modifying Section 4.5 to increase Transmission and Distribution Operation and Maintenance Expenses by \$1.9 million.

Modifying Section 5.2.3.4 to fully fund the Economic and Business Development Program - \$2.514 million.

Modifying Section 5.4.2 to grant Edison's request to recover \$10.8 million associated with Real Time Energy Metering;

Modifying Section 6.5.2 to increase Information Technology Expenses by \$9.969 million.

Modifying Section 6.5.3 to increase Information Technology Capital Expenditures by \$6 million.

Modifying Section 8.5 to reduce TURN's proposal to treat customer deposits as an offset to rate base to the 1996 - 2001 five-year average of \$80 million rather than the PD's use of a 2000 - 2001, 13 month average of \$117 million.

Modifying Section 9.2 to approve SCE's request for an increase in depreciation rates for certain accounts.

(Comr Kennedy)

04/29/2004 - This item was not listed on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171373

37

[3291]

R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code §761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

This decision adopts a General Order to implement and enforce standards adopted pursuant to Pub. Util. Code § 761.3.

(Comr Wood - ALJ Thorson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3131, Item 31 4/1/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171737

Regular Agenda - Energy Orders (continued)

37a

[3485]

ALTERNATE TO ITEM 3291

Like the Draft Decision, this alternate also proposes adoption of a General Order providing rules for the implementation and enforcement implementation and enforcement of the various standards adopted by the California Electricity Generation Facilities Standards Committee (Committee), and implements the Maintenance Standards previously adopted by the Committee. However, the alternate refers the Committee-adopted General Duty Standards back to the Committee with a request that the Committee consider revising the scope of said standards. The alternate also states that the Commission shall forward the standards adopted in this Decision, and in all related current and future Commission decisions that implement generator maintenance and operation standards, to the ISO with a request that the ISO submit these adopted standards to FERC for approval as amendments to the ISO's tariff.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=163979

38

[3313]

I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.

This decision provides that a collaborative study group, coordinated by the California Independent System Operator and Commission staff, develop a transmission development plan for the Tehachapi area based on the magnitude of the identified wind resource.

(Comr Lynch - ALJ TerKeurst)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3131, Item 32 4/1/2004 (Staff);

Agenda 3132, Item 39 4/22/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172222

39

[3326]

A03-10-044 - Pacific Gas and Electric Company (PG&E).

The proposed sale of PG&E's Kern Facility to North American Power Group is barred by Public Utilities Code Section 377. The application is denied. This proceeding is closed.

(Comr Peevey - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3132, Item 40 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170993

Regular Agenda - Energy Orders (continued)

- 40**
[3366] **A99-03-039 - Pacific Gas and Electric Company (PG&E).**
This decision concludes the reasonableness review of PG&E's Safety and Reliability Enhancement Funds Balancing Account. It allows PG&E to recover a portion of the charges as provided by Pub. Util. Code §368(e). This proceeding is closed.
(Comr Kennedy - ALJ Long)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3132, Item 42 4/22/2004 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171709
- 41**
[3425] **A00-11-038 - Southern California Edison Company (SCE).**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision denies the request for Petition to Modify D04-01-028 filed by SCE.
(Comr Brown, Comr Lynch - ALJ Allen)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172139
- 41a**
[3428] **ALTERNATE TO ITEM 3425**
A00-11-056, A00-10-028 - Related matters. This alternate decision adopts SCE's request, and makes the allocation methodology for the bond charge revenue requirement consistent with how DWR's net bond proceeds were allocated.
(Comr Lynch)
- 42**
[3431] **A02-11-017 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges to gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This interim decision addresses Storm and Reliability issues raised in PG&E's Test Year 2003 General Rate Case.
(Comr Peevey - ALJ Halligan)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170373

Regular Agenda - Energy Orders (continued)

43 A02-11-017 - Pacific Gas and Electric Company (PG&E).

[3432]

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges to gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision resolves issues litigated in Phase 1 of PG&E's TY 2003 General Rate Case. As part of this decision, the Commission considers, and approves, with one modification, two comprehensive settlement agreements filed by a broad coalition of Parties. This decision also addresses PG&E's proposed pension contribution, issues regarding the Diablo Canyon Independent Safety Committee, and executive compensation.

(Comr Peevey - ALJ Halligan)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

44 R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.

[3438]

This decision approves the five proposals that SDG&E presented to meet its short-term and long-term grid reliability needs. These proposals were the result of an open and competitive Request for Proposal (RFP) process that solicited bids from all qualified resources, including turn-key natural gas-fired generating units, power purchase agreements (PPA), demand response programs, and renewable resources. Out of 22 bids received, these five proposals were identified as conforming to the RFP specifications and were found to be the least cost/best fit choices for meeting the utility's need to have a diversified portfolio of resources to meet its customers grid reliability needs, are consistent with SDG&E's long-term resource plan, benefit consumers, and are in the public interest. The proposals include a demand response program from Comverge, a renewable resource contract with Envirepel, and contracts for three gas-fired facilities, Ramco, Palomar, and Otay Mesa. Ramco is a turn-key combustive turbine intermediate unit, Palomar is a turn-key 500/555 MW combined-cycle power plant, and Otay Mesa is a 10-year PPA for a 485/573 MW combined cycle facility. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

44a ALTERNATE TO ITEM 3438

[3440]

Like the ALJ's Proposed Decision (PD), this Alternate also approves the five proposals that SDG&E presented to meet its short-term and long-term grid reliability needs. However, unlike the ALJ's PD, this Alternate approves certain ratemaking mechanisms that SDG&E proposed, specifically, a higher return on equity for generation assets that will be utility-owned, and a debt equivalency premium in connection with the proposed Otay Mesa long-term power purchase agreement (PPA) to compensate SDG&E for the negative impact on its credit profile that will result from entering into the PPA.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170439

Regular Agenda - Energy Orders (continued)

45

A00-06-010 - Pacific Gas and Electric Company.

[3442]

This decision grants Section 851 approval on a prospective basis for 78 agreements and denies Section 851 approval for 27 agreements that have terminated or relate to property that has been sold. This proceeding is closed.

(Comr Wood - ALJ Kenney)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170728

Regular Agenda - Energy Resolutions and Written Reports

46

Res E-3866

[3408]

Certification to the Securities and Exchange Commission (SEC) that the Commission has the resources and authority to safeguard the interests of California customers of PacifiCorp, a utility subsidiary of ScottishPower plc, a holding company registered with the SEC under the Public Utilities Holding Company Act of 1935, as amended.

Regular Agenda - Telecommunication Orders

47

[2513]

R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.

The Commission adopts General Order No. ###, Rules Governing Telecommunications Consumer Protection, applicable to all Commission-regulated telecommunications utilities. G.O. ### sets forth: in Part 1, a telecommunications consumers' Bill of Rights; in Part 2, a set of Consumer Protection Rules all carriers must follow to protect those rights; in Part 3, Rules Governing Billing for Non-communications-Related Charges; and in Part 4, Rules Governing Slamming Complaints. The proceeding remains open to consider changes to the current limitation of liability provisions, rules protecting non-English speaking consumers, and a telecommunications consumer education program. (Comr Wood - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3119, Item 40 9/18/2003 (Staff);

Agenda 3120, Item 45 10/2/2003 (Brown);

Agenda 3122, Item 38 10/30/2003 (Brown);

Agenda 3124, Item 53 12/4/2003 (Wood);

Agenda 3125, Item 69 12/18/2003 (Peevey);

Agenda 3127, Item 32 1/22/2004 (Staff);

Agenda 3128, Item 40 2/11/2004 (Staff);

Agenda 3131, Item 38 4/1/2004 (Staff);

Agenda 3132, Item 47 4/22/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171730

48

[2976]

A01-02-012 - Verizon California Inc. (Verizon).

This decision grants Verizon authority to re-categorize its Business Billable Repair Service (BRS), Business Inside Wire Maintenance Service Plan (IWMP), and CentraNet IWMP from Category II to Category III service offerings. Verizon is also authorized to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision denies Verizon authority to re-categorize its Residential BRS, Residential IWMP, and Landlord IWMP from Category II to Category III. This proceeding is closed.

(Comr Wood - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3125, Item 72 12/18/2003 (Brown);

Agenda 3128, Item 42 2/11/2004 (Brown);

Agenda 3130, Item 46 3/16/2004 (Lynch);

Agenda 3131, Item 40 4/1/2004 (Wood);

Agenda 3132, Item 48 4/22/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171711

Regular Agenda - Telecommunication Orders (continued)

48a

[3293]

ALTERNATE TO ITEM 2976

This decision grants Verizon authority to re-categorize its Residential, Landlord, Business, and CentraNet Inside Wire Maintenance Plans (IWMP), and Residential and Business Billable Repair Services (BRS) from Category II to Category III service offerings. Verizon is also authorized to increase its Residential and Landlord IWMP rates from \$0.95 to \$1.75, with rates capped at \$2.99 following the passage of one year, and Business and CentraNet IWMP from \$1.75 to \$2.50 and to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision requires a revision to Tariff A-9, sheet 19 such that when an SNI has not been installed Verizon "will not charge for a premise visit nor for identifying the location (inside wire, network or CPE) of a problem." The decision requires disclosures of and notices informing subscribers of their options, and denies Verizon Advice Letter 9167. This proceeding is closed.

(Comr Brown)

Agenda 3130, Item 46a 3/16/2004 (Lynch);

Agenda 3131, Item 40a 4/1/2004 (Wood);

Agenda 3132, Item 48a 4/22/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169431

49

[3168]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision adopts wholesale prices for Pacific Bell Telephone Company dba SBC California's Directory Assistance Listing Information Service, pursuant to D02-02-025.

(Comr Peevey - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3128, Item 44 2/11/2004 (Wood);

Agenda 3129, Item 33 2/26/2004 (Peevey);

Agenda 3131, Item 42 4/1/2004 (Peevey);

Agenda 3132, Item 50 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170940

49a

[3454]

ALTERNATE TO ITEM 3168

I95-04-044 - Related matters. This alternate decision adopts wholesale prices for Pacific Bell Telephone Company dba SBC California's Directory Assistance Listing Information Service, pursuant to D02-02-025. This alternate differs from ALJ decision in that it does not accept each of the joint parties' modifications.

(Comr Peevey)

Agenda 3132, Item 50a 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171858

Regular Agenda - Telecommunication Orders (continued)

50 **I02-06-003 - Investigation on the Commission's own motion into the operations, practices,**
[3199] **and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities**
(collectively)

This modified decision finds that Cingular's corporate practice and policy from January 2000 to April 31, 2002 violated (1) Pub.Util.Code §451 and D95-04-028 because it allowed no trial of its wireless service and prohibited early termination of wireless service contracts unless the customer paid an early termination fee of \$150 or more, even though testing wireless service by using the phone is the best way for a customer to ascertain whether the service meets his or her needs, and (2) violated §§451, 702 and 2896 and D95-04-028 because it failed to disclose known network problems during 2001 and, in spite of these problems, continued to prohibit refunds/returns and require early termination fees for early cancellation of wireless service contracts. Decision orders a penalty of \$12,140,000 and requires reparations to customers. This modified decision addresses the issues raised by the Commission's Consumer Protection and Safety Division, Utility Consumers Action Network, and Cingular in their appeals to the Presiding Officer's Decision filed October 9, 2003. This proceeding is closed.

(Comr Wood - ALJ Vieth)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3128, Item 48 2/11/2004 (Kennedy);

Agenda 3131, Item 45 4/1/2004 (Kennedy)

51 **A02-07-050 - SBC Pacific Bell Telephone Company (SBC California).**
[3236]

This decision grants SBC California's motion to dismiss this application and closes the proceeding. This proceeding is closed with prejudice for a period of two years, during which time SBC California may not seek recategorization of its directory assistance services.

(Comr Lynch - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3130, Item 50 3/16/2004 (Staff);

Agenda 3131, Item 46 4/1/2004 (Brown);

Agenda 3132, Item 51 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171322

Regular Agenda - Telecommunication Orders (continued)

52

[3424]

I02-05-001 - Investigation into NOS COMMUNICATIONS, INC., dba International Plus, 011 Communications, Internet Business Association, I-Vantage Network Solutions; AFFINITY NETWORK, INC., dba QuantumLink Communications and HorizonOne Communications; and corporate officers of NOS and ANI, to determine whether they have violated the laws, rules, and regulations governing manner in which California subscribers are solicited, switched from one presubscribed carrier to another, and billed for telephone services.

A01-12-013 - Related matters. This decision approves with modifications the settlement agreement filed on December 9, 2003 by respondents and the Consumer Protection and Safety Division. Under the settlement, respondents will pay the Commission \$2.95 million over a 24 month period, and 1400 eligible customers will receive restitution payments. Respondents have also agreed to abide by a marketing and sales compliance program included in a recent FCC consent decree. I02-05-001 is closed.

(Comr Brown - ALJ McKenzie)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172221

53

[3488]

A98-12-005 - GTE Corporation and Bell Atlantic Corporation.

For transfer of control of GTE's California utility subsidiaries to Bell Atlantic, which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision grants the Petition to Modify, in part, and increases the Commission's prior award to Greenlining Institute and Latino Issues Forum by \$106,144.10.

(Comr Kennedy - ALJ Mattson)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170718

Regular Agenda - Telecommunication Orders (continued)**54**

[3493]

R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.

I93-04-002 - Related matters. This decision grants Covad Communications Company's (Covad) motion to vacate D04-03-044, the Commission's order staying D03-01-077, the Interim Opinion Establishing a Permanent Rate for the High-Frequency Portion of the Loop (the HFPL Order) on the grounds that the changed federal timeline for addressing the line sharing issues have made the stay of the HFPL Order neither short term nor temporary. D04-03-044 is vacated.

(Comr Wood - ALJ Reed)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172243

Regular Agenda - Telecommunication Resolutions and Reports**55**

[3108]

Res T-16818 - SBC California (SBC).

This resolution dismisses without prejudice SBC's request to waive the installation service charge for eligible residence and business customers returning from facilities-based carrier service. (Advice Letters 24278 and 24279, filed October 10, 2003)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3127, Item 37 1/22/2004 (Staff);

Agenda 3128, Item 49 2/11/2004 (Kennedy);

Agenda 3129, Item 34 2/26/2004 (Staff);

Agenda 3130, Item 51 3/16/2004 (Peevey);

Agenda 3131, Item 47 4/1/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169794

56

[3261]

Res T-16763

This resolution streamlines and clarifies filing rules for claiming carriers. Imposes deadlines for California Teleconnect Fund customers to provide certain information to providing carriers.

Agenda 3130, Item 52 3/16/2004 (Staff);

Agenda 3131, Item 48 4/1/2004 (Staff);

Agenda 3132, Item 52 4/22/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171235

Regular Agenda - Water/Sewer Orders**57 A02-07-021 - Southern California Water Company (SCWC).**

[3099] In Interim Decision 03-05-001 on May 8, 2003, the Commission approved a settlement between the City of Santa Monica (City) and SCWC that conveyed SCWC water rights to the City and relieved SCWC from its participation in a number of pending lawsuits related to the Charnock Groundwater Basin. The issue of ratemaking treatment of the settlement proceeds and the issue of contamination payments made to SCWC by oil companies were deferred to this phase of the proceeding. This decision resolves those issues. The application is closed.

(Comr Kennedy - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3127, Item 42 1/22/2004 (Lynch);

Agenda 3129, Item 37 2/26/2004 (Lynch);

Agenda 3131, Item 50 4/1/2004 (Wood);

Agenda 3132, Item 54 4/22/2004 (Staff)

57a ALTERNATE TO ITEM 3099

[3459] This Alternate Decision directs the Southern California Water Company to refund to ratepayers the net proceeds received from the City for SCWC's Charnock Basin cause of action, to remove relevant Charnock Basin assets from rate base in its current general rate case for the region, Application (A.) 03-10-006, to transfer net proceeds received from Potentially Responsible Parties (PRPs) with respect to the Charnock Basin contamination from Account 704 (purchased water) to Account 704.02 (purchased water balancing account) for later refund to ratepayers of the excess shown in Account 704.02, and to book future net proceeds to be received from PRPs with respect to the Charnock Basin contamination to Account 704.02 for later refund to ratepayers of the excess shown in Account 704.02.

(Comr Lynch)

Agenda 3132, Item 54a 4/22/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170651

Regular Agenda - Water/Sewer Orders (continued)

58

[3254]

A02-09-030 - California-American Water Company (CalAm).

A02-09-031, A02-09-032, A02-09-033 - Related matters. This decision grants CalAm test year 2003 and test year 2004 rate increases of \$237,400 (32.3%) and \$88,900 (9.1%) in Felton district, \$319,700 (20.6%) and \$70,700 (3.8%) in Larkfield district, and \$5,217,200 (32.2%) and \$1,104,000 (5.1%) in Sacramento district. The 2004 increases are deferred to 2005 in accordance with an earlier Commission order. CalAm's requests to combine districts are denied. CalAm's request to withdraw Application 02-09-033, its Montara district general rate case, is granted. This proceeding is closed.

(Comr Wood - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3130, Item 55 3/16/2004 (Lynch);

Agenda 3131, Item 51 4/1/2004 (Wood);

Agenda 3132, Item 56 4/22/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168271

58a

[3507]

ALTERNATE TO ITEM 3254

This alternate draft decisions departs from the ALJ Proposed Decision in two ways: 1) It stays the adopted rate increases for Felton but orders the creation of a balancing account to address shortfalls; 2) It orders CalAm to file a new application for the consolidation of water districts that addresses the issues identified in this decision.

(Comr Kennedy)

59

[3348]

A02-11-044 - San Gabriel Valley Water Company.

This decision authorizes San Gabriel Water Company (Fontana Division) revenue increases of \$7.6 million or 23.7% for 2004, \$1.7 million or 4.6% for 2005, and \$1.7 million or 4.2% for 2006. The average residential customer's bill for 23 hundred cubic feet will increase from \$37.11 to \$46.24 per month. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3132, Item 57 4/22/2004 (Brown)

Regular Agenda - Transportation/Rail Safety Resolutions and Reports

60

Res TL-19040

[3360]

This resolution revises maximum rate tariff 4 (Max 4) to implement provisions of Assembly Bill 845.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3132, Item 60 4/22/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168837

Regular Agenda - Other Utility Resolutions and Reports**61**

[3354]

Res ALJ 184

This resolution adopts an annual process for setting and updating hourly rates for use by intervenors in seeking compensation for substantially contributing to a Commission decision, as provided in the statutory intervenor funding program. The hourly rates that the Commission establishes through this process will govern intervenors and their representatives who have recently participated in Commission proceedings, and will provide guidance to other intervenors and representatives.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3132, Item 61 4/22/2004 (Staff)

Regular Agenda - Legal Division Matters**62 WC Docket No. 04-36 (FCC)**

[3482] In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). The Commission will file comments in the FCC's rulemaking proceeding regarding IP-enabled services.

63 WC Docket No. 04-29

[3496] Intervention in Federal Communications Commission Proceeding of a Rulemaking Nature. Petition of SBC Communications Inc. for Forbearance. SBC's Petition requests the FCC to 'forebear from applying Title II common carrier regulation to IP platform services.' SBC proposes to include within the definition of 'IP platform services' both: (1) 'IP networks and their associated capabilities and functionalities,' and (2) 'services and application provided over an IP platform.'

64 WC Docket No. 04-36

[3497] Intervention in Federal Communications Commission Proceeding of a Rulemaking Nature. Petition of SBC Communications Inc. for A Declaratory Ruling. SBC's Petition requests that the FCC declare, among other things, that its IP-based network facilities and services are subject only to federal regulation, and not subject to regulation as telecommunications services under the Telecommunications Act.

Regular Agenda - Legislative Matters

- 65**
[3368] **AB 1169 (Bermudez)**
Public utilities: telephone corporations; disposition of property.
Agenda 3131, Item 52 4/1/2004 (Staff);
Agenda 3132, Item 62 4/22/2004 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171297
- 66**
[3369] **AB 1981 (Wolk)**
Telecommunications: deaf and disabled telecommunications program.
Agenda 3131, Item 53 4/1/2004 (Staff);
Agenda 3132, Item 63 4/22/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172166
- 67**
[3370] **AB 2006 (Nunez)**
Electrical restructuring: Reliable Electric Service Act of 2004.
Agenda 3131, Item 54 4/1/2004 (Staff);
Agenda 3132, Item 64 4/22/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171256
- 68**
[3371] **AB 2283 (Chu)**
State community social services telephone number system.
Agenda 3131, Item 55 4/1/2004 (Staff);
Agenda 3132, Item 65 4/22/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172165
- 69**
[3372] **AB 2419 (Campbell)**
Public utilities: judicial review.
Agenda 3131, Item 56 4/1/2004;
Agenda 3132, Item 66 4/22/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=169856
- 70**
[3373] **AB 2430 (Wiggins)**
Commercial air carriers: hot air balloons.
Agenda 3131, Item 57 4/1/2004 (Staff);
Agenda 3132, Item 67 4/22/2004 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171265

Regular Agenda - Legislative Matters (continued)

- 71** **AB 2505 (Maldonado)**
[3375] Public utilities: stocks and security transactions.
 Agenda 3131, Item 59 4/1/2004 (Staff);
 Agenda 3132, Item 69 4/22/2004 (Kennedy)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171263
- 72** **AB 2768 (Richman)**
[3376] Telecommunications: regulatory streamlining.
 Agenda 3131, Item 60 4/1/2004 (Staff);
 Agenda 3132, Item 70 4/22/2004 (Kennedy)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171296
- 73** **AB 2803 (Jerome Horton)**
[3377] Public Utilities Commission: Office of Economic Development.
 Agenda 3131, Item 61 4/1/2004;
 Agenda 3132, Item 71 4/22/2004 (Kennedy)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=171260
- 74** **SB 1201 (Torlakson)**
[3379] Electrical restructuring: BART.
 Agenda 3131, Item 63 4/1/2004 (Staff);
 Agenda 3132, Item 73 4/22/2004 (Staff)
- 75** **SB 1488 (Bowen)**
[3380] Public Utilities Commission: public information.
 Agenda 3131, Item 64 4/1/2004 (Staff);
 Agenda 3132, Item 74 4/22/2004 (Staff)
- 76** **AB 2499 (Horton)**
[3500] Energy Commission: publicly owned electric utilities: long-term resource plans.

 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172170
- 77** **AB 2577 (La Suer)**
[3501] Telecommunications.

Regular Agenda - Legislative Matters (continued)

- 78** **AB 2591 (Leno)**
[3502] Charter-party carriers: limousines.
- 79** **AB 2593 (Calderon) .**
[3503] Self-generation incentive program.
- 80** **AB 2652 (Bates)**
[3504] Electricity: Repowering powerplants.
- 81** **SB 1276 (Bowen)**
[3505] Telecommunications: telephone service rates.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=172167
- 82** **SB 1624 (Bowen)**
[3506] Public Utilities Commission: Office of Ratepayer Advocates.

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

- 83** **Conference with Legal Counsel - Applications for Rehearing**
 [3395] Compilation of applications for rehearing recently filed with the Commission.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 84** **A01-10-011 - Conference with Legal Counsel - Application for Rehearing**
 [3347] Order disposing of applications for rehearing of D03-12-061 filed by Duke Energy North America and Duke Trading and Marketing (Duke) and the Northern California Generation Coalition (NCGC). D03-12-061 resolves the gas market structure, rates, and terms and conditions of service for Pacific Gas and Electric Company's (PG&E's) natural gas transmission and storage system for 2004. Duke and NCGC claim that the decision errs in approving the establishment of a backbone level rate for PG&E.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3131, Item 68 4/1/2004 (Staff)
- 85** **R01-09-001 - Conference with Legal Counsel - Application for Rehearing**
 [3467] Disposition of Application for Rehearing of D03-10-088, filed by ORA and TURN. On October 30, 2003, the Commission issued an interim opinion regarding NRF Phase 2B Service Quality issues in regard to Pacific and Verizon. In this decision, the Commission found that neither Pacific's service quality nor Verizon's service quality had deteriorated under NRF.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Non-Federal (continued)

86

[3508]

A04-01-004 et al. - Conference with Legal Counsel - Application for Rehearing

Application for Rehearing and related Motion by Southern California Edison (SCE) to file certain confidential materials under seal.

Disposition of Application of Rehearing of Resolution E-3814, filed by The Utility Reform Network (TURN.) In this Resolution, the Commission approved SCE's Advice Letter Filing 1680-E, which sought approval of the TrueSolar PPA and a new 5 MW central station solar photovoltaic facility to be constructed and operated by TrueSolar. Also disposes of related motion filed by SCE seeking confidential treatment of portions of the Response of SCE to TURN's application for rehearing.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

88

[3409]

Conference with Legal Counsel - Initiation of Enforcement Proceeding

Deliberation on institution of proceeding on disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Agenda 3132, Item 79 4/22/2004 (Kennedy)

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

- 87 (Rev.)** **Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal**
[3398] **Counsel - Existing Litigation**
Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
04/30/2004 - This revision was not shown on the Agenda mailed to the public.
- 89** **FERC Docket No. RP00-241-006 - Conference with Legal Counsel - Existing Litigation**
[3400] Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 90** **Case No. 03-1850 SI - Conference with Legal Counsel - Existing Litigation**
[3419] Pacific Bell v. CPUC, U.S. District Court for the Northern District of California, Case No. 03-1850 SI.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
Agenda 3132, Item 82 4/22/2004 (Staff)
- 91** **FERC Dockets Nos. ER04-109 and EL04-37 (Consolidated) - Conference with Legal**
[3491] **Counsel - Existing Litigation**
Pacific Gas and Electric Company, FERC Dockets Nos. ER04-109 and EL04-37
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 92** **Case No. 00-1012 et al. - Conference with Legal Counsel – Existing Litigation**
[3510] United States Telecom Association v. Federal Communications Commission, et al., U.S. Court of Appeals for the D.C. Circuit, Case No. 00-1012 et al.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.